

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JOHN TUAKALAU,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER
AND
MEMORANDUM DECISION

Civil Case No. 2:16-cv-714-TC
Criminal Case No. 2:08-cr-431-TC

Judge: Tena Campbell

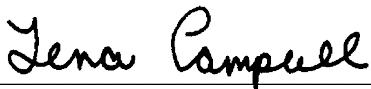
On June 24, 2020, Petitioner John Tuakalau filed an amended motion to vacate his conviction and correct his sentence under 28 U.S.C. § 2255 following the Supreme Court's decision in United States v. Davis, 139 S. Ct. 2319 (2019). The Tenth Circuit has now held that Hobbs Act robbery is categorically a crime of violence under the elements clause in 18 U.S.C. § 924(c)(3)(A). United States v. Baker, 49 F.4th 1348 (10th Cir. 2022). Mr. Tuakalau's claims under Davis are therefore foreclosed.

ORDER

The court DENIES Mr. Tuakalau's Amended Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Court (ECF No. 9).

SO ORDERED this 14th day of April, 2023.

BY THE COURT:



TENA CAMPBELL
U.S. District Court Judge